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FISCAL IMPACT REPORT

SPONSOR Payne ORIGINAL DATE 02/13/10
LAST UPDATED _____ HB _____
SHORT TITLE Study Antabuse Option on Ignition Interlocks SM 48
ANALYST Wilson

ESTIMATED ADDITIONAL OPERATING BUDGET IMPACT (dollars in thousands)

	FY10	FY11	FY12	3 Year Total Cost	Recurring or Non-Rec	Fund Affected
Total		\$5.0-\$20.0			Nonrecurring	GF

(Parenthesis () Indicate Expenditure Decreases)

Relates to Appropriation in the General Appropriation Act

SOURCES OF INFORMATION

LFC Files

Responses Received From

Corrections Department (CD)

Department of Health (DOH)

Taxation & Revenue Department (TRD)

SUMMARY

Synopsis of Bill

Senate Memorial 48 requests the Administrative Office of the Courts, the Motor Vehicle Division of the Taxation and Revenue Department, the Department of Transportation, the Corrections Department and the Department of Public Safety to form a task force to study the feasibility and estimate the costs or savings of allowing disulfiram as a voluntary alternative to the installation of an ignition interlock device.

The task force should consider various methods of implementing the disulfiram option effectively, and consider the following example: an offender would obtain an "ignition interlock-disulfiram" license and, if disulfiram is the option, be able to drive legally as long as the offender carries proof of being current on the disulfiram dosage; enforcement would include the offender ingesting the medicine in front of a probation and parole officer or other officer the officer would provide the offender with a certificate allowing the offender to drive on the license until the next dose of disulfiram is required.

The task force must report its findings and recommendations to the appropriate interim legislative committee no later than November 2010.

FISCAL IMPLICATIONS

The agencies on the requested task force will have to bear the cost within operating budgets.

SIGNIFICANT ISSUES

TRD suggests that the study should be expanded to include people revoked under the Implied Consent Act as well as people revoked for DWI.

All persons convicted of DWI are required to obtain an ignition interlock license and to have an ignition interlock device installed on their vehicles.

It is estimated that only one-half of the persons convicted of DWI obtain an ignition interlock device.

Many DWI offenders drive despite having their driver's license revoked, resulting in New Mexico having the largest percentage of unlicensed drivers involved in fatal crashes.

Some offenders are required to drive multiple vehicles and may comply more readily if there were a voluntary alternative to installing an ignition interlock device in each vehicle.

The drug disulfiram, commonly known as antabuse, is approved by the federal food and drug administration for the treatment of alcohol abuse and dependence and helps people stop drinking by causing a severe adverse reaction if the person drinks while taking it.

Allowing disulfiram as a voluntary alternative to obtaining an ignition interlock device would allow more DWI offenders to drive sober and legally.

ADMINISTRATIVE IMPLICATIONS

The agencies affected by this memorial will have to handle the provisions of this bill with existing staff as part of ongoing responsibilities.

OTHER SUBSTANTIVE ISSUES

CD provided the following:

Requiring probation and parole officers to do more and more in the way of supervision, when those officers already have large caseloads due to the large number of offenders on probation/parole and due to high vacancy rates for probation and parole officers, is not reasonable or wise. It will make it very difficult for those officers to provide adequate supervision to all offenders on their caseloads, and this would endanger public safety. Such workload demands result in overtime pay, and contribute to low morale for officers and to high turnover rates.

Also, it is CD's understanding that the ingestion of antabuse by a DWI offender does not preclude that offender from drinking and driving. While drinking alcohol after taking antabuse tends to make the offender ill, some offenders will still be able to drive while feeling ill. Some offenders with severe addictions to alcohol are likely to drink and then

drive home while feeling ill. In some cases, an offender who drives his vehicle after both taking antabuse and then becoming intoxicated would be more impaired or dangerous than a person who is only intoxicated and then drives his vehicle. The ignition interlock system is probably more efficient than antabuse at preventing the offender from using a vehicle after drinking, but it does appear to be more expensive.

Any time a person has to take a medication, there is often a possibility that the person could die or suffer some sort of permanent condition or injury as a result. Further, the person who takes the antabuse and then drinks could have a violent reaction and die or suffer permanent injury as a result.

ALTERNATIVES

TRD proposes that the task force include DOH. There may be side effects to antabuse that need consideration. The DOH may also wish to address legal, ethical and liability issues related to use and administration of a prescription drug in a law-enforcement process.

DW/mew